

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks. Currently, claims 1-11 are pending in the present application of which claim 1 is independent.

Claims 1-2 and 7-9 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Hasegawa et al. (U.S. Patent Number 6,727,536). Claims 3-6, 10, and 11 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hasegawa et al. in view of Johnson (U.S. Patent Number 6,689,644). The above rejections are respectfully traversed for at least the reasons set forth below.

Claim Rejection Under 35 U.S.C. §102(e)

The Office Action alleges that Hasegawa et al. qualifies as prior art under 35 U.S.C. § 102(e). However, Hasegawa et al. was filed in the United States on August 23, 2001, and is not the subject of an international application filed under the Patent Cooperation Treaty. Therefore, the earliest date for which Hasegawa et al. qualifies as prior art under 102(e) is August 23, 2001. The present application was filed June 27, 2001. Therefore, Hasegawa et al. does not qualify as prior art under 102(e) with regards to the present application. The Office Action's rejection under 102(e) relies only on Hasegawa et al., which is not prior art, and is therefore moot. The Examiner is respectfully requested to withdraw this rejection and allow claims 1-2 and 7-9.

PATENT

Atty Docket No.: 10005208-1
App. Ser. No.: 09/891,325

Claim Rejection Under 35 U.S.C. §103

With regards to claims 3-6, 10, and 11, the Office Action relies on Hasegawa et al. as the primary reference. However, Hasegawa et al., as discussed above, is not prior art with regards to the present application. Therefore, the Examiner is respectfully requested to withdraw this rejection and allow claims 3-6, 10, and 11.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

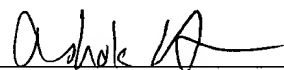
Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

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By



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